

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America)

v.)

Maurice Anthwan Sims)

Case No: 5:99CR00011-13

USM No: 13974-058

Date of Previous Judgment: 12/16/1999)

Tanzania C. Cannon-Eckerle

(Use Date of Last Amended Judgment if Applicable)

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 33	Amended Offense Level: 31
Criminal History Category: VI	Criminal History Category: VI
Previous Guideline Range: 235 to 293 months	Amended Guideline Range: 188 to 235 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ **Other (explain):** The Court finds that the defendant is subject to the 2007 retroactive Crack Cocaine Amendment and therefore, eligible for a sentence reduction. Consistent with 18 U.S.C. § 3582(c)(2), the Court considered the factors set forth in 18 U.S.C. § 3553(a), as well as public safety and post-sentence conduct. Based on these factors the Court finds that a reduction of the defendant's sentence would not accomplish the goals of sentencing.

III. ADDITIONAL COMMENTS

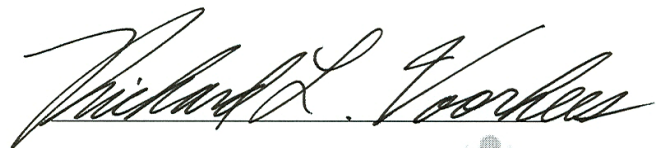
The defendant is eligible for the retro active reduction. However, the defendant has a long criminal history including numerous drug and violent offenses. He has had seven disciplinary actions while in custody, four of which were violent. The defendant's original sentence was 61% of the low end of the original guideline range, so he received a significant reduction for his cooperation.

Except as provided above, all provisions of the judgment dated 12/16/1999 shall remain in effect.

IT IS SO ORDERED.

Order Date: June 20, 2008

Effective Date: June 30, 2008
(if different from order date)



Richard L. Voorhees
United States District Judge



